

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

$$\left. \begin{array}{l}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array} \right\}$$

Plaintiff,

V.

ORDER

Defendant.

As for Defendant's argument that Plaintiff's penal or punitive damages were extinguished upon her death, the Court need not make that determination at this point. The operative complaint (ECF No. 39) seeks compensatory as well as penal or punitive damages, and Defendant does not

1 argue that the claim for compensatory damages was extinguished upon Toni Varay's death.

2 Therefore, for purposes of Fed. R. Civ. Proc. 25(a), Plaintiff's claim is not extinguished.

3 IT IS THEREFORE ORDERED that Plaintiff may file a supplemental brief in support of his
4 motion to substitute (ECF No. 51) no later than August 24, 2017. Defendant may file a supplement
5 within seven days of Plaintiff's supplement. Any supplemental briefs for this motion shall be limited
6 to the issue of whether under Nevada law, Robert Varay may serve as Toni Varay's legal
7 representative in this case, and if so, whether this Court has authority to approve such an
8 appointment.

9 DATED: August 10, 2017

10
11 
12 C.W. Hoffman, Jr.
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28